

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 202104522	<input type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/20/2021 3:55 PM	Location of Incident: Inside the 34th Precinct stationhouse	18 Mo. SOL 1/20/2023	Precinct: 34
Date/Time CV Reported Thu, 07/22/2021 12:38 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/22/2021 12:38 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Howard Peralta	02064	934052	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Zohaib Qureshi	04605	970791	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Howard Peralta	Abuse: Police Officer Howard Peralta did not process § 87(2)(b) complaint regarding an officer.	

Case Summary

On July 22, 2021, § 87(2)(b) filed this complaint during her telephone interview for CCRB # § 87(2)(b).

On July 20, 2021 at approximately 3:40 p.m., § 87(2)(b) visited the 34th Precinct stationhouse. § 87(2)(b) spoke to PO Zohaib Qureshi of the 34th Precinct outside of the stationhouse and asked him about a summons she received and told him that she wanted to file a complaint against an officer. PO Qureshi told her to go inside the stationhouse. § 87(2)(b) entered and waited in the lobby. PO Howard Peralta, also of the 34th Precinct, spoke to § 87(2)(b). She asked him about the summons and asked him about filing a complaint in person against an officer. PO Peralta pointed at a CCRB poster and told her to photograph it. § 87(2)(b) photographed the poster and left the stationhouse without filing her complaint in person (**Allegation A: Abuse of Authority**, § 87(2)(g)).

The investigation obtained stationhouse footage from the 34th Precinct recorded on July 20, 2021.

The nature of the incident did not require the use of BWC as per the Patrol Guide.

§ 87(2)(b) was not issued a summons nor was she arrested during the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Howard Peralta did not process § 87(2)(b) complaint regarding an officer.

Surveillance footage of the lobby of the 34th Precinct stationhouse from July 20, 2021, at approximately 3:40 p.m. captures § 87(2)(b) a woman wearing a greenish tank top and shorts, entering the stationhouse [Board Review 01]. From 00:22 to 03:47, she speaks to PO Qureshi, a male officer with a dark complexion, by the entrance, waits inside for a while, and walks out of the entrance with PO Qureshi. At 03:47, PO Qureshi returns inside the stationhouse and walks over to an unknown uniformed bald officer with a beard. He gestures toward the entrance with his thumb. At 04:54, PO Qureshi goes to § 87(2)(b) and appears to direct her to go inside the stationhouse. § 87(2)(b) goes inside. She sits on a metal bench in the lobby. From 08:52 to 09:47, PO Peralta, a clean-shaven bald officer with a light complexion, goes to § 87(2)(b). They appear to speak, and § 87(2)(b) shows him a piece of paper. PO Peralta points toward the bottom left hand of the video frame, an area not captured in the footage. PO Peralta walks toward the bottom left hand of the frame and walks out of the view of the surveillance camera. § 87(2)(b) with a cellphone in her left hand, follows him to the left-hand side of the frame and disappears. She appears in the video frame and exits the stationhouse.

Surveillance footage of the desk of the 34th Precinct stationhouse from July 20, 2021, at approximately 3:54 p.m. captures the interaction between § 87(2)(b) and PO Peralta in the area of the lobby not captured by the lobby surveillance camera [Board Review 02]. The footage shows an officer resembling PO Peralta pointing at a wall toward the right of the frame. From 00:44 to 00:52, PO Peralta walks toward the wall and touches something on it. § 87(2)(b) follows him. From 01:04 to 01:07, § 87(2)(b) raises her left hand while holding something near the wall. § 87(2)(b) walks away from the wall and goes toward the left of the video frame.

§ 87(2)(b) stated that she visited the 34th Precinct stationhouse and described her prior encounter with an officer on July 16, 2021. She showed PO Qureshi a summons she received and told him that she wanted to file a complaint against an officer. PO Qureshi told her that he had not seen that summons before and told her to go inside the stationhouse to speak to an officer. She went inside and waited in the lobby for about four minutes. PO Peralta approached § 87(2)(b) and asked if he could help her. They spoke in front of a CCRB poster, visible immediately upon entering the stationhouse. § 87(2)(b) informed PO Peralta that she had questions about a summons and said that she wanted to file a complaint against an officer. PO Peralta used his hand and pointed at a poster and told her to take a photograph of it. He explained to her that she could call 311, visit the CCRB web site, or call the CCRB's 800 number. § 87(2)(b) asked PO Peralta if she could file her

complaint in person. PO Peralta stated that the methods listed were how the reports were processed now. § 87(2)(b) did not file any paperwork at the stationhouse, and PO Peralta never offered § 87(2)(b) the option of filing her complaint in person [Board Review 03].

PO Qureshi [Board Review 04] testified that he was assigned to stationhouse security and positioned outside of the stationhouse entrance by himself. He did not recall interacting with § 87(2)(b). During his interview, PO Qureshi was presented with surveillance footage from the lobby of the 34th Precinct. He did not recall § 87(2)(b) the woman with short hair who entered the stationhouse, and he did not recall any conversation with her. The officer standing by the entrance was possibly himself [Board Review 01, timestamps 00:00 to 00:22]. At 01:14, PO Qureshi confirmed that he was the officer standing behind § 87(2)(b). He did not recall any officer refusing to file a complaint on behalf of § 87(2)(b).

PO Peralta [Board Review 05] testified that he was the telephone switchboard operator. He did not recall interacting with § 87(2)(b) and did not recall her asking him to file a complaint against an officer or asking him to file a complaint in person. PO Peralta stated that he has never processed a complaint in person for civilians during his career. He provides them with information on how to file a complaint.

During his interview, PO Peralta was presented with surveillance footage from the lobby of the 34th Precinct stationhouse. PO Peralta did not recognize § 87(2)(b) the woman wearing a greenish tank top and shorts entering the stationhouse [Board Review 01, time stamps 00:00 to 00:20]. PO Peralta identified himself as the bald officer speaking to § 87(2)(b) as she sits on a metal bench [Board Review 01, time stamps 08:57 to 09:22]. PO Peralta confirmed that he was pointing at something, but he did not know where and why he was pointing [Board Review 01, time stamps 09:22 to 09:35].

PO Peralta [Board Review 05] was also presented with stationhouse footage from the desk of the 34th Precinct stationhouse, which also captures the lobby from a camera located near the desk. PO Peralta was not sure if the woman in the footage was the same woman in the 34th Precinct stationhouse lobby footage. There are posters on the wall with information on how to report corruption and file complaints against police officers. PO Peralta did not recall pointing to any of the posters while speaking to § 87(2)(b). He was unable to identify himself in this video [Board Review 02, time stamps 00:00 to 00:57].

NYPD Patrol Guide Procedure 207-31 provides guidelines on processing civilian complaints received by uniformed members of the service. For civilians who wish to file a complaint in person, officers must interview the complainant, provide him or her with a civilian complaint report, and assist or allow another person to assist the complainant with completing the report. Officers must also prepare a civilian complaint report and inform the Civilian Complaint Review Board [Board Review 06].

Although PO Peralta did not recall his interaction with § 87(2)(b) stationhouse lobby footage captures PO Peralta speaking to § 87(2)(b) and pointing to a wall. Footage from the desk area shows § 87(2)(b) raising her arm as if she were photographing something on it. Stationhouse footage thus corroborates § 87(2)(b) description of PO Peralta telling her to photograph a poster on a wall. PO Peralta testified that the wall contained information on filing complaints. Furthermore, PO Peralta stated that although he provides civilians with information on how to file a complaint, he has never filed a complaint for civilians in person. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

- _____

Forwarding eligible cases to the mediation un

- _____

Investigator: _____ Inv. Mike Talisayan 09/27/2021
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____